

LR49-CR00-108. BAIL

~~Bail shall be set in accordance with this Marion Superior Court Rule.~~

~~The Marion Superior Court Will use an appropriate risk assessment tool and the Bail Guideline Matrix to provide information and guidance to the Probation Staff and judicial officers of the Arrestee Processing Center (APC) in setting the initial bail or in altering bail amounts. The individual Judges, Magistrates and Commissioners of the Marion Superior Court retain discretionary authority to adjust bail as individual circumstances may require.~~

~~CHARGE SEVERITY LEVELS~~

~~There shall be six charge severity levels for misdemeanors and felonies as set forth in Appendix A which is a part of this Rule.~~

~~ASSESSMENT FACTORS~~

~~Based upon the questions asked of individuals arrested for criminal offenses at the APC and the information provided and verified, the risk assessment tool will generate a risk assessment score for each person.~~

~~BAIL GUIDELINES MATRIX~~

~~The amount of recommended bail or an individual's eligibility for release on his or her own recognizance (OR) are reflected in the Bail Guideline Matrix set out in Appendix B and made a part of this Rule. The Matrix applies the charge severity levels to the risk assessment score. The Matrix recommends release, and bail amounts.~~

~~APC INITIAL HEARING COURT~~

~~The initial hearings for all individuals brought to the APC as a result of an arrest for a criminal offense and for which misdemeanor and/or D felony charges are filed shall be conducted by the judicial officers at the APC Court. All other felony charges and all of the charges filed against an individual after that individual has been released from the APC shall be heard in an initial hearing conducted in the Court where the case was assigned pursuant to Local Rule.~~

~~Any individual who remains in custody following his or her initial hearing at the APC Court shall have a bond hearing or pretrial conference scheduled in the Court where the case has been assigned for the next available date consistent with the Judge's scheduling order. For all domestic violence cases where an individual remains in custody following the initial hearing at the APC Court, a bond hearing shall be scheduled within four business days from the date of the initial hearing in the Court where the case has been assigned.~~

~~BAIL POSTINGS~~

~~Judges, Magistrates and Commissioners (Judicial Officers) shall have the ability to determine the appropriate bond type for each individual charged with a criminal offense.~~

~~If a judicial officer specifies the bond be a cash bond (CS) then one hundred percent (100%) of the bond amount must be posted in cash. Cash bonds shall not be interchangeable with any other bond type.~~

~~If a judicial officer specifies the bond be a surety bond (SR), only a licensed bonding agent may post the bond for that individual. Surety bonds shall not be interchangeable with any other bond types, however it may be paid by posting the full amount as a cash bond (CS)~~

~~If a judicial officer specifies the bond be a ten percent (10%) percent refundable bond (PR) the bond may be satisfied by posting a PR, SR or CS bond.~~

~~Judicial officers have the authority to require a combination of different bond types to satisfy a single bail in an individual situation. The posting of such a split bond must satisfy the requirements of this section.~~

LR 49-CR-00-108 BAIL

Formatted: Left

I. SCOPE: This Provisional Bail Schedule shall apply to all defendants arrested outright in Marion County. This schedule shall not apply to those cases where a judicial officer already has issued a warrant with a predetermined bail.

II. GENERAL PROVISIONS

A. Bail amounts set pursuant to this schedule shall be based upon the lead charge brought against the defendant. No bail amount set pursuant to this schedule shall exceed \$200,000. The bail clerk does not have discretion to alter provisional bail amounts. Bail amounts set pursuant to this schedule shall not be altered until such time as the assigned trial judge has the opportunity to conduct further review.

B. Arrestee Processing Center commissioners are responsible for reviewing the bail set by the bail clerk and may correct that amount pursuant to the schedule if a commissioner becomes aware of relevant information not considered when bail was first set. Arrestee Processing Center commissioners also may impose appropriate pre-trial release conditions.

III. MAJOR FELONY BAIL AMOUNTS:

A. General

<u>Murder</u>	<u>No Bail</u>
<u>Class A Felony</u>	<u>\$50,000 Surety</u>
<u>Class B Felony</u>	<u>\$20,000 Surety</u>
<u>Class C Felony</u>	<u>\$7,500 Surety</u>

B. Enhancements: The bail schedule amounts shall double for each of the following circumstances applying to the defendant:

1. The defendant is not a Marion County resident,
2. The crime alleged involves a deadly weapon or serious bodily injury,
3. The defendant has two or more alleged victims,
4. The defendant has two or more prior felony convictions,
5. The defendant has two or more failures to appear,
6. The defendant has ten or more prior arrests (not including public intoxication arrests). This category shall double for each additional 10 arrests a defendant has.
7. The defendant has been arrested for an offense while on probation, parole, bond or released on the person's own recognizance for another offense.

IV. CLASS D FELONY BAIL AMOUNTS:

A. General:

Class D Felony - Own Recognizance (OR) up to \$2,500 Surety, \$2,500 10% PR, or \$250 Cash Bond.

The bail clerk shall set bail for a Class D felony at \$2,500 Surety. Arrestee Processing Center commissioners shall have the discretion to modify the bail within the range provided if deemed appropriate.

B. Enhancements. The bail schedule amounts shall double, up to a maximum of \$5,000, for each of the following circumstances:

1. The defendant is not a Marion County resident,
2. The defendant has one or more failures to appear,
3. The defendant has one or more prior felony convictions,
4. The defendant is charged with one of the following Class D felonies:
 - Battery (I.C. § 35-42-2-1)
 - Criminal Confinement (I.C. § 35-42-3-3)
 - Criminal Gang Activity (I.C. § 35-45-9-3)
 - Criminal Recklessness (I.C. § 35-42-2-2 – all sections)
 - Escape (I.C. § 35-44-3-5)
 - Intimidation (I.C. § 35-45-2-1)
 - Pointing a Firearm (I.C. § 35-47-4-3)
 - Residential Entry (I.C. § 35-43-2-1.5)
 - Resisting Law Enforcement (I.C. § 35-44-3-3)
 - Stalking (I.C. § 35-45-10-5)
 - Strangulation (I.C. § 35-42-2-8)

V. MISDEMEANOR BAIL AMOUNTS:

<u>Class A Misdemeanor</u>	<u>Own Recognizance up to \$1,500 10% Cash</u>
<u>Class B Misdemeanor</u>	<u>Own Recognizance</u>
<u>Class B Misdemeanor (Battery)</u>	<u>Own Recognizance up to \$1,500 10% Cash</u>
<u>Class C Misdemeanor</u>	<u>Own Recognizance</u>

The bail clerk shall set bail for Class A misdemeanors and Class B misdemeanor battery cases at \$1,500. If the new offense is a Class B or Class C misdemeanor and the defendant has been arrested for an offense while on probation, parole, bond, or released on the person's own recognizance for another offense, bail shall be set at \$1,500 10% Cash. Arrestee Processing Center commissioners shall have the discretion to modify the bail within the ranges provided if deemed appropriate.

VI. SPECIAL CONSIDERATIONS

A. Domestic Violence Cases

<u>Class C Felony</u>	<u>\$25,000 Surety</u>
<u>Class D Felony</u>	<u>\$10,000 Surety plus \$10,000 10% Cash</u>
<u>Class A Misdemeanor</u>	<u>\$5,000 Surety plus \$5,000 10% Cash</u>

A person charged with a crime of domestic violence as defined in I.C. § 35-41-1-6.5 shall be kept in custody and not released on bail for at least eight (8) hours from the time of arrest pursuant to I.C. § 35-33-1-1.7 and I.C. § 35-33-8-6.5.

If a domestic violence charge is not the lead charge and this schedule would require a higher bail for the domestic violence charge standing alone, the bail clerk should set the bail as if the domestic violence charge were the lead charge.

B. Invasion of Privacy Cases

Class D Felony	\$10,000 Surety plus \$10,000 10% Cash
Class A Misdemeanor	\$5,000 Surety plus \$5,000 10% Cash

If an invasion of privacy charge is not the lead charge and this schedule would require a higher bail for the invasion of privacy charge standing alone, the bail clerk should set the bail as if the invasion of privacy charge were the lead charge.

C. Operating Vehicle While Intoxicated (Misdemeanor) Cases

Bail shall be set at \$1,500 10% Cash with a \$1,000 increase for each prior conviction under I.C. § 9-30-5.

D. Court 13 Cases

A person arrested for or charged with a misdemeanor traffic offense and slated into Court 13 shall be released on the person's own recognizance.

E. Child Molesting, Child Solicitation, and Sexually Violent Predator Cases

No bail will be issued until the trial court has conducted a bail hearing for a person who is charged with Child Molesting (I.C. § 35-42-4-3) or Child Solicitation (I.C. § 35-42-4-6);

No bail will be issued until the trial court has conducted a bail hearing for a person who previously has been determined to be a sexually violent predator as defined in I.C. § 35-33-8-3.5.

The Arrestee Processing Center commissioner shall set such cases for a bail hearing in the appropriate court no later than 48 hours after than person has been arrested or at the earliest possible setting if exigent circumstances prevent holding the hearing within 48 hours.

VIII REVIEW OF PROVISIONAL BAIL AMOUNT

Except for major felony courts, the trial court to which the defendant's case is assigned shall review the bail set:

- A. within 5 days of the arrest of any defendant who has not yet made bail as set by the Arrestee Processing Center commissioner or pursuant to the Provisional Bail Schedule; or,**
- B. within 5 days upon receipt of motion of the State or the defendant pursuant to I.C. § 35-33-8-5.**

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.